



State of Utah

DEPARTMENT OF COMMERCE
DIVISION OF CONSUMER PROTECTION

INSTRUCTIONS FOR PROFESSIONAL FUND RAISER, PROFESSIONAL FUND RAISING COUNSEL, PROFESSIONAL FUND RAISING CONSULTANT PERMIT APPLICATION FORM

General Instructions. Please respond to each paragraph as requested. Responses such as "see contract" will not be acceptable. If any information becomes incorrect or incomplete, you must file the complete information or correct your application within thirty (30) days after the information becomes incorrect or incomplete.

Your permit will expire one year after issuance. After that date, you will need to renew your permit annually on the same date. There is an annual registration fee. In addition to the annual registration fee, if you fail to file a permit application or renewal by the due date or if you file an incomplete application for renewal, you will be required to pay an additional fee of \$25 for each month or part of a month after the date on which your application was to be filed. Please note that the Charitable Solicitations Act does not allow for extensions.

Specific Instructions for Professional Fund Raiser, Professional Fund Raising Counsel, Professional Fund Raising Consultant Permit Application Form.

PART I

Paragraph 1: State your organization's legal name.

Paragraph 2: State any other names that your organization uses or is known by.

Paragraph 3: If different, state both your street and mailing addresses.

Paragraph 4: Indicate the type of legal entity that your organization has formed.

Paragraph 5: State the name and telephone number of the person to be contacted by the Division if there are questions concerning your application or other matters pertaining to your organization's operations.

Paragraph 6: List your business, occupation or employment history for three years immediately preceding the date of your application.

PART II

Paragraph 1: The purpose of this section is to identify whether you use vending devices or vending device decals. If you do use such devices or decals, complete Paragraphs 2 through 5 of this section. If not, then skip to Part III. "Vending device" means a container used by a charitable organization or professional fund raiser, for the purpose of collecting a charitable solicitation, contribution, or donation whether or not the device offers a product or item in return for the contribution or donation. "Vending device" includes machines, boxes, jars, wishing wells, barrels, or any other container. "Vending device decal" means any decal, tag, or similar designation material that is attached to a vending device, whether or not used or placed by a charitable organization or professional fund raiser, that would indicate that all or a portion of the proceeds from the purchase of items from the vending device will go to a specific charitable organization.

PART III

The purpose of this section is to identify each charitable organization that will be using your services. In addition to the name and address, indicate the dates that your contracts with the charitable organization become effective and the dates that those contracts terminate.

PART IV

Paragraph 1: Indicate whether you are applying for a permit as a professional fund raiser. If you are, then complete Paragraphs 1 through 7 of this section and skip Part V. If not, then skip this section and complete Part V. A "professional fund raiser" is defined as any person who (1) for compensation or any other consideration solicits contributions for charitable purposes, or plans or manage the solicitation of contributions for or on behalf of any charitable organization or any other person; (2) engages in, or holds himself out to persons in this state as being independently engaged in, the business of soliciting contributions for a charitable organization; (3) manages, supervises, or trains any solicitor whether as an employee or otherwise; or (4) uses a vending device or vending device decal for financial or other consideration that implies a solicitation of contributions or donations for any charitable organization or charitable purpose. A "professional fund raiser" does not include a bona fide officer, director, volunteer, or full-time employee of a charitable organization.

Paragraphs 2: State the charitable purpose of the solicitation that you make for each charitable organization.

Paragraph 3: Indicate the method of solicitation that you will use for each charitable organization identified in your application. If the method that you are using is not listed, describe in the space provide the method that you are using. Indicate the dates that you will commence and terminate your solicitations using those methods.

Paragraph 4: The purpose of this paragraph is to give the factual basis for your statement of the percentage of the contributions collected as a result of the solicitations that are projected to remain available to the charitable organizations identified in Part III. Although the numbers given in this paragraph are projections, they must be based on your best information to be meaningful. State the revenue and expenses that are anticipated as it relates to each charitable organization that contracts for your services.

Line (1): State the total amount of contributions that are projected to be made as a result of your solicitation.

Line (2): State the total amount of expenses that you anticipate will be deducted from the contributions before the contributions will be received by the charitable organization. These expenses include your fee and any other costs not included in your fee that are incurred in the performance of your services. You should deduct your fee even if it is paid in advance of receipt of contributions. The expenses stated on this line should not be the expenses that are to be paid by the charitable organization after it receives the contributions.

Line (3): Subtract Line (2) from Line (1).

Line (4): Divide Line (3) by Line (1).

Paragraph 5: State whether or not your fee is based on a flat fee arrangement. If it is, give an explanation that justifies the reasonableness of your fee. This can be done by reference to what is customarily charged by others similarly situated. You should attach any documents that you feel may help establish the reasonableness of your fee.

Paragraph 6: The purpose of this paragraph is to give, for each charitable organization identified in your application, a statement of the total contributions collected or received by you and the expenses or uses of the contributions made by you within the calendar year immediately prior to the date of your application. The financial information provided in this paragraph may be based on your most recent fiscal year if different from the calendar prior to the date of your permit.

Line (1): State the total amount of contributions collected or received by you from Utah sources.

Line (2): State the total amount of contributions collected or received by you from all sources including the Utah sources stated in Line (1).

Line (3): State the total expenses made from or the use made by the contributions that you have collected. These expenses include your fee and any other costs not included in your fee that are incurred in the performance of your services. The expenses or other use of contributions stated on this line should not be those that are to be made by the charitable organization after it receives the contributions.

PART V

Paragraph 1: Indicate whether you are applying for a permit as a professional fund raising counsel or consultant. If you are, complete paragraphs 2 through 5 of this section. If not, you complete PART IV and then skip to PART VI. A "professional fund raising counsel or consultant" is defined as a person who (1) for compensation plans, manages, advises, counsels, consults, or prepares material for, or with respect to, the solicitation in this state of contributions for a charitable organization, whether or not at any time the person has custody of contributions from a solicitation; (2) does not solicit contributions; and (3) does not employ, procure, or engage any compensated person to solicit or receive contributions. A "professional fund raising counsel or consultant" does not include an attorney, investment counselor, or banker who in the conduct of that person's profession advises a client when actually engaged in the giving of legal, investment or financial advice.

Paragraph 2: State the charitable purposes of the services that you have contracted to perform for the charitable organization.

Paragraph 3: Indicate the method of solicitation that you will use in providing your services for each charitable organization identified in your application. If the method that you are using is not listed, describe in the space provide the method that you are using. Indicate the dates that the solicitation resulting from your services will commence and terminate.

Paragraph 4: The purpose of this paragraph is to give a statement of the total fees that you expect to earn or receive from the charitable organizations identified in Part III during the period of your application. Although the numbers given in this paragraph are projections, they must be based on your best information to be meaningful.

Line (1): State the total amount of your fee that you anticipate to earn or receive for your services during the term of this application.

Line (2): State the total amount of expenses that you anticipate will be deducted from your fees during the term of this application. You should not include expenses that are passed through to the charitable organization.

Line (3): Subtract Line (2) from Line (1).

Paragraph 5: State whether or not your fee is based on a flat fee arrangement. If it is, give an explanation that justifies the reasonableness of your fee. This can be done by reference to what

is customarily charged by others similarly situated. You should attach any documents that you feel may help establish the reasonableness of your fee.

Paragraph 6: The purpose of this paragraph is to give, for each charitable organization identified in your application, a statement of the total net fees earned or received within the calendar year immediately prior to the date of your application. The financial information provided in this paragraph may be based on your most recent fiscal year if different from the calendar prior to the date of your permit.

Line (1): State the total amount of your fees that were earned or received during the year immediately preceding the date of your application.

Line (2): State the total expenses made from your fees during the year immediately preceding the date of your application. If your list of payees is extensive, these expenses can be listed by category rather than by individual payees. You should not include expenses that are passed through to the charitable organization.

Line (3): Subtract Line (2) from Line (1).

PART VI

Paragraph 1: State any other licenses or permits you have received or currently have to provide your services.

Paragraph 2: Be as complete as you can in describing the nature and the current status of any order issued against any of your officers, managers, operators, principals, or agents.

Paragraph 3: Be as complete as you can in describing the nature and the current status of any criminal conviction of any of your officers, managers, operators, principals or agents for crimes of moral turpitude. Crimes of moral turpitude are crimes that are based on moral depravity or, in other words, crimes other than minor traffic offenses or other similar infractions.

PART VII

Paragraph 1: Your registered agent is the person or entity authorized to accept service of process on behalf of your organization. Your registered agent does not need to be a resident of Utah.

Paragraph 2: The telephone numbers can be the daytime work telephone numbers.

PART VIII

Paragraph 1: A copy of each of the documents that are listed in this Part must accompany your application. In most cases, the document needs to be submitted only with the initial application unless the document has been amended, restated or replaced since the initial application was filed.

Signatures: Your application must be signed by a person authorized by the organization to sign on its behalf. A photocopy will not be accepted.